

REMARKS

Claims 1-20 and 22-30 have been rejected on prior art grounds. Claims 1, 8, 14, and 24 are rejected under 35 U.S.C. § 101. Claim 15 is hereby canceled without prejudice or disclaimer. Hence, claims 1-14, 16-20, and 22-30 are all the claims pending in the application.

Statement of Substance of Interview

Applicants' representative, Sean M. Conner, conducted a telephone interview with Examiner Gims S. Phillippe on April 14, 2009. Initially, Applicants thank the Examiner for the courtesies extended during the interview.

During the interview of April 14, 2009, the differences between the cited art and the present invention, as defined by the independent claims were discussed. Additionally, the rejections under 35 U.S.C. § 101 were discussed.

In view of the helpful comments by the Examiner, Applicants amend claims 1, 8, 14, 24, 27, and 29 in order to expedite prosecution. As discussed below in the section entitled "Claim Rejections – 35 U.S.C. § 101", the claims comply with the requirements of 35 U.S.C. § 101. Additionally, as discussed below in the section entitled "Claim Rejections - 35 U.S.C. § 102(e)" the cited art does not teach or suggest at least the newly added features of the claims. In the interview, the Examiner appeared to acknowledge the noted differences between the claims and the cited art. Accordingly, withdrawal of the rejections is respectfully requested.

No exhibits or demonstrations were provided and no amendments were proposed by Applicants' representative.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Claim Rejections - 35 U.S.C. § 101

Claims 1, 8, 14, and 24 are rejected under 35 U.S.C. § 101 as allegedly not falling within one of the four statutory categories of invention. In particular, the Examiner asserts that a statutory “process” must be either (1) tied to a particular machine or apparatus, or (2) transform a particular article into a different state or thing.

In order to expedite prosecution, claims 1, 8 and 14 are amended to recite “a motion estimation unit,” and claim 24 is amended to recite “a motion compensation unit.” During the interview, the Examiner indicated that these amendments would overcome the rejections under 35 U.S.C. § 101. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 7-10, 13-17, 20, 24, 25, 27 and 29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wu et al. (US 2006/0193387; hereinafter “Wu”). Applicants submit that the claims are patentable.

For example, claim 1 recites (a) preparing tag information describing motion between a plurality of pictures in a reference index list; and (b) determining, by a motion estimation unit, one of the plurality of pictures to be the reference picture by referring to the tag information and performing a motion estimation process on at least one block constituting a current picture with respect to the plurality of pictures in the reference index list.

During the interview, the Examiner clarified his interpretation of claimed tag information. That is, the Examiner interprets Wu’s global motion signals as corresponding to claimed tag information. The Examiner asserted that at least paragraph 11 of Wu discloses that the key frame (which allegedly corresponds to the claimed reference picture) is determined based on the global motion signals. Thus, the Examiner concluded that Wu teaches the claimed feature

of “determining one of the plurality of pictures to be the reference picture by referring to the tag information”.

However, Wu’s global motion signals are used to determine key frames by a process of data analysis involving clustering the signals based on predetermined thresholds (operation 108 of Figure 1), and extracting potential key frames based on a set of predetermined rules (operation 110 of Figure 1 and paragraphs 52-55 of Wu). Wu does not teach or suggest that the alleged reference frame (Wu’s key frame) is determined by performing motion estimation on blocks of a current picture with respect to a plurality of pictures which are in a reference index list and which are described by tag information. Accordingly, Wu does not teach or suggest (a) preparing tag information describing motion between a plurality of pictures in a reference index list; and (b) determining, by a motion estimation unit, one of the plurality of pictures to be the reference picture by referring to the tag information and performing a motion estimation process on at least one block constituting a current picture with respect to the plurality of pictures in the reference index list, as recited in claim 1. During the interview, the Examiner appeared to understand the distinctions noted above.

Because Wu does not teach or suggest all of the features of claim 1, Applicants submit that the claim is not anticipated by Wu. Applicants further submit that claim 7 is patentable at least by virtue of its dependency on claim 1.

Independent claims 8, 14, 24, 27, and 29 recite features similar to those discussed above in conjunction with claim 1. Accordingly, Applicants submit that these claims are patentable at least for reasons analogous to those discussed above regarding claim 1. Applicants further

submit that claims 9, 10, 13, 16, 17, 20, and 25 are patentable at least by virtue of their dependency on one of claims 8, 14, and 24.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 2, 3, 5, 6, 10-12, 17-19, 26, 28 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Gelissen (US 2005/0114887; hereinafter “Gelissen”).

Gelissen does not cure the above noted deficiencies of Wu with respect to the independent claims. Accordingly, Applicants submit that claims 2, 3, 5, 6, 10-12, 17-19, 26, 28 and 30 are patentable at least by virtue of their dependency on one of claims 1, 8, 14, 24, 27, and 29.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 22 and 23 would be allowed if rewritten in independent form. Since claim 22 is rewritten in independent form, Applicants submit that the objection is overcome. Applicants further submit that claims 22 and 23 are immediately allowable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

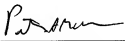
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 20, 2009



Peter A. McKenna
Registration No. 38,551